THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1008 of 2006

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Dated:24.01.2006

Between:

Pullyala Malla Reddy S/o. Ram Reddy
Upa Sarpanch and Incharge Sarpanch of Burhanimiyapet Village of

Elged Mandal, Karimnagar District.

..... PETITIONER

AND

The District Collector, Panchayath Raj, Karimnagar, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.1008 of 2006

ORDER:

The petitioner is the Upa Sarpanch of Burhan Miyapet Village of Eligedu Mandal in Karimnagar District. He is aggrieved by the proceedings, dated 30.12.2005, issued by the first respondent, whereby and whereunder, the third respondent herein was reinstated as Sarpanch of the said Village, pursuant to the orders passed by the Government of Andhra Pradesh (not made party to this writ petition) on 28.12.2005. The petitioner seeks invalidation of the proceedings of the District collector.

The third respondent is the Sarpanch of the Village. By proceedings dated 11.11.2005, the District Collector removed the Sarpanch under Section 249(1) of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'). By the same proceedings, the petitioner herein was directed to take charge of the Office of the Sarpanch. The petitioner alleges that since then he is continuing as Sarpanch. In the meanwhile, aggrieved by the orders of removal, the third respondent preferred an appeal before the Government of Andhra Pradesh under subsection (7) of Section 249 of the Act and also sought stay of the removal order. The Government of Andhra

Pradesh by a telegram, dated 28.12.2005, while staying the orders of removal, directed the District Collector to reinstate the third respondent as Sarpanch. Accordingly, the impugned proceedings were issued.

After hearing the learned Counsel for the petitioner and the learned Assistant Government Pleader for Panchayat Raj, this Court is convinced that the writ petition is wholly misconceived. Any order passed by the District Collector under Section 249(1) of the Act can only be treated as final, subject to the orders that may be passed by the appellate authority under Section 249(7) of the Act. In that view of the matter, if the third respondent is reinstated as Sarpanch pursuant to the orders of stay granted by the appellate authority, the impugned order cannot be said to be illegal or arbitrary. The petitioner was asked to take charge as Sarpanch and such arrangement is subject to the orders of the Government in the appeal.

The Writ Petition is devoid of any merit, and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

24.01.2005

vs